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mkraft@hp.com

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/698,511  
Filing Date: October 31, 2003  
Appellant(s): RIOU ET AL.

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Todd A. Rathe  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 2/20/2008 appealing from the Office action mailed 9/13/2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

**WITHDRAWN REJECTIONS**

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. The rejection of claim 6 under 35 U.S.C. 112, first paragraph, has been withdrawn.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

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6281911	Nakazawa et al.	8-2001
6176563	Anderson et al.	1-2001
6085055	Shin et al.	7-2000
6512900	Sakai	1-2003
6203138	Hirabayashi et al.	3-2001
6357854	Igval et al.	3-2002
6269002	Azar	7-2001

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, 10, 12, 13, 18-20, 22, 27-30, 33-36, 39, and 43 are rejected under 35 U.S.C.

103(a) as being unpatentable over Brinkly (US 6397488 B1) in view of Nakazawa et al. (US 6281911 B1).

**Regarding claim 1:**

**Brinkly discloses** a printing system comprising:

an ink dispenser (print engine 22) configured to deposit ink upon a print medium (col. 3, lines 63-66); and

a condenser (part of accumulator 102) configured to condense vapor into a condensate (col. 5, lines 45-48);

a receptacle (vessel 116) configured to collect the condensate (col. 5, lines 45-48), wherein the receptacle includes:

an inlet through which the condensate flows into the receptacle (col. 5, lines 45-48 and Fig. 2).

**Brinkly does not expressly disclose** that the receptacle is perforated to permit a portion of the condensate to evaporate, wherein the receptacle is removably coupled to a remainder of the system, or that the receptacle includes a closing portion that is movable between an inlet open position and an inlet closing position.

**However, Nakazawa et al. disclose** a receptacle (ink cartridge 2) that is perforated to permit a portion of waste ink to evaporate (col. 10, lines 33-48), wherein the receptacle is removably coupled to a remainder of the system (col. 12, lines 6-10), and that the receptacle includes a closing portion (take-in port rubber 522) that is movable between an inlet open position and an inlet closing position (col. 5, lines 53-58 and Fig. 5).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize the cartridge disclosed by Nakazawa et al. into Brinkly's invention. One motivation for doing so, as taught by Nakazawa et al., is to provide an ink cartridge with a waste ink absorbing function that can be recycled simply and easily (col. 2, lines 45-47).

**Regarding claim 6:**

**Nakazawa et al. also disclose** that the printing system comprises means (take-in port rubber 522) for automatically moving the closing portion to the inlet closing position when the

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receptacle is disconnected from the remainder of the printing system (col. 12, lines 1-22 and Fig. 5).

**Regarding claim 10:**

Brinkly also discloses a blower (vacuum 88) configured to move the vapor along the condenser (col. 5, lines 43-45 and Fig. 2).

**Regarding claim 12:**

Nakazawa et al. also disclose that the receptacle includes a waste ink-absorbing material (absorbing member 20) within the receptacle (Fig. 1).

**Regarding claim 13:**

Nakazawa et al. also disclose that the waste-ink absorbing material (20) is removable from the receptacle (e.g. col. 13, lines 47-57).

**Regarding claim 18:**

Brinkly also disclose that the ink dispenser includes an inkjet printhead (col. 3, lines 63-66).

**Regarding claim 19:**

Brinkly also disclose a media handling system (print media handling system 24) configured to transport individual sheets of material relative to the ink dispenser (col. 4, lines 29-35).

**Regarding claim 20:**

Brinkly also disclose that the media handling system (24) is configured to handle sheets of material having a minor dimension that is less than 9 inches (col. 4, lines 34-37 and Fig. 1).

**Regarding claim 22:**

Brinkly also disclose a heater (heating device 60) that is configured to heat the deposited ink (col. 4, lines 46-56), whereby vapor is produced (col. 5, lines 53-55).

**Regarding claim 27:**

**Brinkly discloses** a printing system comprising:

means (print engine 22) for depositing ink upon a print medium (col. 3, lines 63-66);

means (accumulator 102) for condensing vapor to form a condensate (col. 5, lines 45-48);

and

means (vessel 116) for storing the condensate (col. 5, lines 45-48).

**Brinkly does not expressly disclose** that the means for storing includes an inlet and means for automatically occluding the inlet when disconnected from a remainder of the printing system.

**However, Nakazawa et al. disclose** means for storing (ink cartridge 2) that includes an inlet (insertion hole 48a) and means (take-in port rubber 522) for automatically occluding the inlet when disconnected from a remainder of the printing system (col. 12, lines 1-28 and Fig. 5).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize the cartridge disclosed by Nakazawa et al. into Brinkly's invention. One motivation for doing so, as taught by Nakazawa et al., is to provide an ink cartridge with a waste ink absorbing function that can be recycled simply and easily (col. 2, lines 45-47).

**Regarding claim 28:**

**Nakazawa et al. also disclose** means (ventilation hole 60) for evaporating a portion of the condensate while the condensate is being stored (col. 10, lines 33-48).

**Regarding claim 29:**

**Brinkly also discloses** means (heating device 60) for heating the deposited ink (col. 4, lines 46-56), whereby vapor is formed (col. 5, lines 53-55).

**Regarding claim 30:**

**Brinkly discloses** a method of printing ink upon a medium, the method comprising:

depositing ink upon the medium (col. 3, lines 63-66);

heating the deposited ink to create a vapor (col. 5, lines 53-55); and

condensing the vapor into a condensate (col. 5, lines 45-48); and

collecting at least a portion of the condensate into a first receptacle (col. 5, lines 45-48).

**Brinkly does not expressly disclose** the step of absorbing the portion of condensate into a first absorption member within the first receptacle.

**However, Nakazawa et al. disclose** the step of absorbing at least a portion of waste liquid into a first absorption member (col. 6, lines 19-23) within a first receptacle (Fig. 6).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize the cartridge disclosed by Nakazawa et al. into Brinkly's invention so as to perform the step of absorbing the condensate. One motivation for doing so, as taught by Nakazawa et al., is to provide an ink cartridge with a waste ink absorbing function that can be recycled simply and easily (col. 2, lines 45-47).

**Regarding claim 33:**

**Brinkly also discloses** the step of evaporating a portion of the condensate within the first receptacle (col. 5, lines 45-48).

**Regarding claim 34:**

**Nakazawa et al. also disclose** the step of replacing the first absorption member with a second absorption member (col. 13, lines 47-57).

**Regarding claim 35:**

**Nakazawa et al. also disclose** the step of replacing the first receptacle with a second receptacle when at least a portion of the first receptacle is filled with condensate (col. 5, lines 48-50 and col. 4, lines 50-55).

**Regarding claim 36:**

**Nakazawa et al. also disclose** the step of sending the first receptacle, at least partially filled with condensate, to a collection entity for recycling or disposal of the condensate (col. 4, lines 50-55).

**Regarding claim 39:**

**Brinkly also discloses** the step of ejecting ink from an inkjet printhead upon the medium (col. 3, lines 63-66 and Fig. 2).

**Regarding claim 43:**

**Brinkly also disclose** a conduit that is configured to direct all the condensate from the condenser to the receptacle (Fig. 2).

Claims 2-4, 7-9, 21, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkly as modified by Nakazawa et al., as applied to claims 1, 19, and 30 above, and further in view of Anderson et al. (US 6176563 B1).

**Regarding claim 2:**

**Brinkly as modified by Nakazawa et al. disclose all claimed limitations except** that the condenser includes:

a conduit having a conduit interior; and  
a coolant source connected to the conduit and configured to supply coolant into the conduit interior at a temperature so as to condense the vapor along the conduit.

**However, Anderson et al. disclose** a printing system comprising a condenser (condensation element 126) that includes:

a conduit having a conduit interior (dye effluent duct 130);

a coolant source connected to the conduit and configured to supply coolant into the conduit interior (col. 5, lines 15-16) at a temperature so as to condense vapor along the conduit (col. 5, lines 20-26).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize the condenser of Anderson et al. in place of Brinkly's condenser to achieve the predictable result of condensing printing composition vapors, since both Brinkly and Anderson et al. teach different types of condensers.

**Regarding claim 3:**

**Anderson et al. also disclose** that the coolant source is configured to supply a liquid (cooling fluid) at a temperature so as to condense the vapor along the conduit (col. 5, lines 15-18).

**Regarding claim 4:**

**Anderson et al. also disclose** that the coolant source is configured to supply a gas (cooling fluid) at a temperature so as to condense the vapor along the conduit (col. 5, lines 15-18).

**Regarding claim 7:**

**Anderson et al. also disclose** that the coolant source includes:

a pump (pump 620, Fig. 6) configured to move fluid (col. 6, lines 64-67);

a cooling device (compressor 706, Fig. 6) configured to cool the fluid to the temperature (col. 5, lines 51-56).

**Regarding claim 8:**

**Anderson et al. also disclose** that the cooling device includes a compressor (compressor 706, col. 5, lines 51-56).

**Regarding claim 9:**

Anderson et al. also disclose that the condenser includes a thermoelectric module (col. 5, lines 33-34).

**Regarding claim 21:**

Brinkly as modified by Nakazawa et al. disclose all claimed limitations except that the media handling system is configured to stack the individual printed upon sheets.

However, Anderson et al. disclose a media handling system that is configured to stack individual printed upon sheets (col. 6, lines 4-5 and Fig. 4).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize an output tray, such as disclosed by Anderson et al., into the invention of Brinkly as modified by Nakazawa et al. One motivation for doing so, as taught by Anderson et al., is to store the completed sheets (col. 6, lines 4-5).

**Regarding claim 31:**

Brinkly as modified by Nakazawa et al. disclose all claimed limitations except the step of circulating a fluid through a thermally conductive conduit having a condensing surface to cool the condensing surface to a temperature to condense the vapor.

However, Anderson et al. disclose circulating a fluid through a thermally conductive conduit having a condensing surface to cool the condensing surface to a temperature to condense the vapor (col. 5, lines 15-27).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to perform the step of circulating a fluid through a conduit, such as taught by Anderson et al., into the invention of Brinkly modified by Nakazawa et al. One motivation for doing so, as taught by Anderson et al., is to transfer heat from the ambient air to the fluid (col. 3, lines 12-15).

**Regarding claim 32:**

**Brinkly as modified by Nakazawa et al. disclose all claimed limitations except the** step of powering a thermoelectric module having a cool portion and a hot portion, wherein the cool portion is thermally coupled to a condensing surface along which the vapor is condensed.

**However, Anderson et al. disclose** powering a thermoelectric module (col. 5, line 33-36) having a cool portion (element 330, Fig. 3) and a hot portion (element 328, Fig. 3), wherein the cool portion is thermally coupled to a condensing surface along which the vapor is condensed (col. 5, lines 37-40).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to perform the step of powering a thermoelectric module, such as taught by Anderson et al., into the invention of Brinkly modified by Nakazawa et al. One motivation for doing so, as taught by Anderson et al., is to transfer heat from the ambient air to the fluid (col. 3, lines 12-15).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkly as modified by Nakazawa et al. and Anderson et al., as applied to claim 2 above, and further in view of Shin et al. (US 6085055).

**Regarding claim 5:**

**Brinkly as modified by Nakazawa et al. and Anderson et al. disclose all claimed limitations except that the condenser includes a fin that is thermally coupled to the conduit.**

**However, Shin et al. disclose** a printing system comprising a condenser (condensing means 150) that includes a fin (fins 151) that is thermally coupled to a conduit (col. 3, lines 23-30 and Fig. 3).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize a fin that is thermally coupled to the conduit, such as disclosed by Shin

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et al., into the invention of Brinkly as modified by Nakazawa et al. and Anderson et al. One motivation for doing so, as taught by Shin et al., is to cool and liquefy the vapors (col. 3, lines 23-25).

Claims 11 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkly as modified by Nakazawa et al., as applied to claims 10 and 30 above, and further in view of Sakai (US 6512900 B2).

**Regarding claim 11:**

**Brinkly as modified by Nakazawa et al. disclose all claimed limitations except that the printing system includes:**

a duct proximate the condenser and having an exhaust opening; and

a filter between the condenser and the exhaust opening.

**However, Sakai discloses a printing system including:**

a duct that is proximate a condenser (liquefying device 11) and having an exhaust opening (col. 4, lines 13-18); and

a filter (filter 12) that is between the condenser and the exhaust opening (Fig. 1).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize the exhaust and filter, such as disclosed by Sakai, into the invention of Brinkly as modified by Nakazawa et al. One motivation for doing so, as taught by Sakai, is to absorb and remove any unliquified solvent vapors from the printing system (col. 4, lines 13-18).

**Regarding claim 38:**

**Brinkly as modified by Nakazawa et al. disclose all the limitations of claim 30, and Brinkly also discloses the step of directing the vapors across a condensing surface (Fig. 2).**

**Brinkly as modified by Nakazawa et al. do not expressly disclose the step of directed the vapors through a filter.**

**However, Sakai discloses the step of directing vapors through a filter (col. 4, lines 13-18).**

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to perform the step of directing the vapors through a filter, such as taught by Sakai, into the invention of Brinkly as modified by Nakazawa et al. One motivation for doing so, as taught by Sakai, is to absorb and remove any unliquified solvent vapors from the printing system (col. 4, lines 13-18).

Claim 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkly as modified by Nakazawa et al., as applied to claim 12 above, and further in view of Hirabayashi et al. (US 6203138 B1).

**Regarding claim 14:**

**Brinkly as modified by Nakazawa et al. expressly disclose all claimed limitations except that the waste ink-absorbing material comprises foam.**

**However, Hirabayashi et al. disclose a waste ink receptacle (waste ink pack 17) that includes a condensate-absorbing material (ink absorption member 16) made of foam (col. 6, lines 22-24).**

At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize a foam absorbent, such as disclosed by Hirabayashi et al., into the invention of Brinkly as modified by Nakazawa et al. The motivation for doing so, as taught by Hirabayashi et al., is to absorb and hold the waste so as to prevent it from leaking outside (col. 7, lines 43-45).

Claims 17 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkly as modified by Nakazawa et al., as applied to claims 1 and 30 above, and further in view of Igval et al. (US 6357854 B1).

**Regarding claim 17:**

**Brinkly as modified by Nakazawa et al. disclose all claimed limitations except that the receptacle includes a fill indicator to indicate a volume of the receptacle that is filled with condensate.**

**However, Igval et al. disclose** that it is known to provide a receptacle that includes a fill indicator configured to indicate a volume of the receptacle that is filled with waste liquid (col. 2, lines 4-10).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize a fill indicator in the receptacle, such as disclosed by Igval et al., into the invention of Brinkly as modified by Nakazawa et al. One motivation for doing so, as taught by Igval, is to monitor the amount of waste ink in the tank to prevent overflows (col. 2, lines 4-6).

**Regarding claim 37:**

**Brinkly as modified by Nakazawa et al. disclose all claimed limitations except the step of sensing an amount of condensate within the first receptacle.**

**However, Igval et al. disclose** the step of sensing an amount of waste liquid within a receptacle is known (col. 2, lines 4-10).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to perform the step of sensing an amount of condensate, such as taught by Igval et al., into the invention of Brinkly as modified by Nakazawa et al. One motivation for doing so, as taught

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by Igval, is to monitor the amount of waste ink in the tank to prevent overflows (col. 2, lines 4-6).

Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkly as modified by Nakazawa et al. and Anderson et al., as applied to claim 9 above, and further in view of Azar (US 6269002 B1).

**Regarding claim 40:**

**Brinkly as modified by Nakazawa et al. and Anderson et al. disclose all claimed limitations except** that the condenser includes a plurality of fins that are thermally coupled to the thermoelectric module.

**However, Azar discloses** a plurality of fins (plate fins 101) that are thermally coupled to a heat producing electronic component (col. 1, lines 8-13 and Figs. 10A and 10B).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize a plurality of fins that are thermally coupled to the thermoelectric module of the invention of Brinkly as modified by Nakazawa et al. and Anderson et al. One motivation for doing so, as taught by Azar, is to effectively dissipate heat so that circuitry performance is optimized and circuit life is prolonged (col. 1, lines 8-21).

**Regarding claim 41:**

**Azar also discloses** that the plurality of fins (101) converge from an inlet side (top of Fig. 10A), and have a first dimension (Fig. 10A), to an outlet side (bottom of Fig. 10A), and have a second smaller dimension (Fig. 10B).

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkly as modified by Nakazawa et al., as applied to claim 1 above, and further in view of Anderson et al. (US 6176563 B1) and Azar (US 6269002 B1).

**Regarding claim 42:**

**Brinkly as modified by Nakazawa et al. disclose all claimed limitations except that the condenser includes a plurality of fins converging from an inlet side proximate the ink dispenser and having a first dimension to an outlet side distant the ink dispenser and having a second smaller dimension.**

**However, Anderson et al. disclose a condenser (condenser 126) comprising a thermoelectric module (peltier device 326).**

**Brinkly as modified by Nakazawa et al. and Anderson et al. do not expressly disclose a plurality of fins converging from an inlet side proximate the ink dispenser and having a first dimension to an outlet side distant the ink dispenser and having a second smaller dimension.**

**However, Azar discloses a plurality of fins (101) that are thermally coupled to a heat producing electronic component (col. 1, lines 8-13 and Figs. 10A and 10B), wherein the fins converge from an inlet side (top of Fig. 10A), and have a first dimension (Fig. 10A), to an outlet side (bottom of Fig. 10A), and have a second smaller dimension (Fig. 10B).**

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize the thermoelectric module of Anderson et al. in place of Brinkly's condenser to achieve the predictable result of condensing printing composition vapors, since both Brinkly and Anderson et al. teach different types of condensers. It would have been further obvious to utilize the fin alignment disclosed by Azar into the invention of Brinkly as modified by Nakazawa et al. and Anderson et al. One motivation for doing so, as taught by

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Azar, is to allow the low pressure caused by flow bypass to draw fluid through the channels (col. 8, lines 1-9).

**(10) Response to Argument**

**Rejection of claims 1, 6, 10, 12, 13, 18-20, 22, 27-30, 33-36, 39, and 43 as being unpatentable over Brinkly in view of Nakazawa.**

Regarding the rejection of claim 1, Appellant argues that the combination of Brinkly as modified by Nakazawa does not disclose or suggest a receptacle that receives condensate and that is removable, because Brinkly does not disclose that the accumulator is removable, and because Nakazawa does not disclose that the ink cartridge stores condensate. Applicant states that Nakazawa's ink cartridge stores "waste ink" resulting from priming, and thus does not provide motivation for modifying Brinkly's invention.

However, Appellant seems to be considering the references individually, and not in combination. Examiner notes that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Brinkly discloses a receptacle that stores condensate resulting from the collection of printing composition vapors that are created during printing. Similarly, Nakazawa discloses a receptacle that stores waste ink resulting from cleaning that occurs during printing. Therefore, both Brinkly and Nakazawa disclose receptacles for storing waste liquids that accrue during printing operations. It would have been obvious for a person of ordinary skill in the art to reference Nakazawa teachings while looking to improve the waste condensate management disclosed by Brinkly. Further, Nakazawa gives ample motivation for doing so, by stating that

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waste ink can be simply and easily disposed of by using an ink cartridge comprising areas for containing both fresh ink and waste ink (col. 2, lines 45-47), such as shown in Nakazawa's disclosure. A resulting combination of Brinkly as modified by Nakazawa therefore discloses a printing system comprising an accumulator that condenses printing composition vapors, and supplies that waste condensate to a waste ink collecting portion of a cartridge that contains both areas for supplying fresh ink and for receiving waste ink. Because Nakazawa shows that this cartridge is removable from the remainder of the printing system, the combination of Brinkly as modified by Nakazawa discloses each and every claimed limitation.

Appellant also argues that the resulting hypothetical combination of Brinkly in view of Nakazawa would result in modifying Brinkly's print engine (22) by additionally including the ink cartridge (2) of Nakazawa for supplying ink and storing waste ink that results from the priming of the print head.

However, Appellant's hypothetical combination of the prior art references does not address the applied rejection; therefore, this argument is moot.

Regarding the rejection of claim 27, Appellant argues that the combination of Brinkly as modified by Nakazawa does not disclose a means for storing condensate, wherein the means for storing includes an inlet and means for automatically occluding the inlet when disconnected. Appellant states Nakazawa has nothing to do with "means for storing condensate," because Nakazawa discloses storing "waste ink" that is ejected by the print head during priming of the print head and not a condensate.

Again, Appellant seems to be considering the references individually, and not in combination. Examiner notes that one cannot show nonobviousness by attacking references

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individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Brinkly discloses a receptacle that stores condensate resulting from the collection of printing composition vapors that are created during printing. Similarly, Nakazawa discloses a receptacle that stores waste ink resulting from cleaning that occurs during printing. Both Brinkly and Nakazawa disclose receptacles for storing waste liquids that accrue during printing operations. Therefore, these prior art references are sufficiently related to implore a person of ordinary skill in the art to consult Nakazawa's teachings while looking to improve the waste condensate management disclosed by Brinkly.

Regarding the rejection of claim 30, Appellant argues that the combination of Brinly as modified by Nakazawa does not disclose the steps of condensing a vapor into a condensate and absorbing at least a portion of the condensate into an absorption member within a receptacle. Appellant states that the "waste ink" collected by Nakazawa is not condensate, and that Nakazawa says nothing about absorbing collected condensate.

Appellant seems to be considering the references individually, and not in combination. Examiner notes that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Brinkly discloses a receptacle that stores condensate resulting from the collection of printing composition vapors that are created during printing. Similarly, Nakazawa discloses a receptacle that stores waste ink resulting from cleaning that occurs during printing. Both Brinkly and Nakazawa disclose receptacles for storing waste liquids that accrue during printing

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operations. Therefore, these prior art references are sufficiently related to implore a person of ordinary skill in the art to consult Nakazawa's teachings while looking to improve the waste condensate management disclosed by Brinkly.

**Rejection of claims 2-4, 7-9, 21, 31, and 32 as being unpatentable over Brinkly as modified by Nakazawa, and further in view of Anderson.**

Appellant relies on the arguments applied to the independent claims, and provides no additional arguments against these rejections.

**Rejection of claim 5 as being unpatentable over Brinkly as modified by Nakazawa and Anderson, and further in view of Shin.**

Appellant relies on the arguments applied to the independent claims, and provides no additional arguments against these rejections.

**Rejection of claims 11 and 38 as being unpatentable over Brinkly as modified by Nakazawa, and further in view of Sakai.**

Appellant relies on the arguments applied to the independent claims, and provides no additional arguments against these rejections.

**Rejection of claim 14 as being unpatentable over Brinkly as modified by Nakazawa, and further in view of Hirabayashi.**

Appellant relies on the arguments applied to the independent claims, and provides no additional arguments against these rejections.

**Rejection of claims 17 and 37 as being unpatentable over Brinkly as modified by Nakazawa, and further in view of Igyal.**

Appellant relies on the arguments applied to the independent claims, and provides no additional arguments against these rejections.

**Rejection of claims 40-42 as being unpatentable over Brinkly as modified by Nakazawa and Anderson, and further in view of Azar.**

Appellant argues that the combination of Brinkly as modified by Nakazawa and Anderson, and further in view of Azar does not disclose a condenser having fins that converge from an inlet side proximate the dispenser to an outlet side. Appellant states that the fins disclosed by Azar are on a heat sink, and not a condenser. Therefore, Appellant reasons that Examiner used impermissible hindsight in the abovementioned combination.

However, the combination shown in the rejection does not state that the Azar's fins were meant to replace the condenser, as Appellant's argument imply. Rather, the rejection shows that it would have been obvious to utilize converging fins, such as those disclosed by Azar, onto the existing thermoelectric module, which acts as the condenser. Therefore, this combination utilizes fins to aid in the heat dissipation of the condenser disclosed by Brinkly as modified by Nakazawa and Anderson.

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Shelby Fidler  
Patent Examiner  
AU 2861  
4/29/2008

Conferees:

Ricky Mack  
/Ricky L. Mack/  
Supervisory Patent Examiner, Art Unit 2873

Matthew Luu  
/LUU MATTHEW/  
Supervisory Patent Examiner, Art Unit 2861